

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 939 (S/S) of 2007

Smt. Sabia Beg aged about 39 years, W/o Sri Sadiq Beg
Assistant Teacher in Primary School, New Tehri III,
District- Tehri Garhwal ----- petitioner

Versus

1. State of Uttarakhand through Secretary Education
Department, Uttarakhand, Dehradun
2. District Education Officer, Tehri Garhwal
3. Additional District Education Officer (Basic), Tehri Garhwal,
New Tehri

----- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioner
and Sri Paresh Tripathi, learned Brief Holder for State of
Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged
the transfer order dated 14.06.2007 passed by Additional District
Education Officer (Basic), Tehri Garhwal, New Tehri by which the
petitioner has been transferred from Primary School New Tehri III
to Primary School, Jularhgaon, Block Pratapnagar, District Tehri
Garhwal.

The petitioner has challenged the transfer order on various
grounds. First is that the institution from where the petitioner has
been transferred, one Head Mistress had joined the said institution
in the year 2006, that is, much after the petitioner and as such in
pursuance to the Government Order dated 13.07.2007, she should
have been transferred and not the petitioner. The petitioner has
further alleged that before the petitioner has joined the said

institution, another teacher is working in the institution and in case somebody is to be transferred, he/she is either the last person who has joined the institution or the person who has the longest stay in the institution, should have been transferred. Learned counsel for the petitioner has further alleged in the writ petition that the petitioner's husband is also suffering with chest pain and having treatment from a hospital situated at Dehradun.

Learned counsel for the petitioner has submitted that the petitioner has already moved a representation before the appropriate authority on 16.07.2007, which is Annexure 3 to the writ petition.

In the circumstances, I direct the respondent no. 3, Additional District Education Officer (Basic), Tehri Garhwal, New Tehri to take decision on the representation of the petitioner and pass speaking order on each and every point raised by the petitioner in the representation within a period of 3 days from the date of production of a certified copy of this order before him. The petitioner is also directed to submit a certified copy of this order before the Additional District Education Officer (Basic), Tehri Garhwal within a period of 3 days from today.

Till the representation is decided by the Additional District Education Officer (Basic), Tehri Garhwal or till 31st July, 2007, whichever is earlier, the petitioner may not be relieved if she has not already been relieved.

A copy of this order may be given to the learned counsel for the petitioner today itself on payment of usual charges.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

24.07.2007
VKS